

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DONTE RAPLEY : CIVIL ACTION
v. :
BRIAN V. COLEMAN, *et al* : NO. 15-4757
: :
: :

ORDER

AND NOW, this 29th day of May 2018, upon considering Donte Rapley's Petition for *habeas* relief under 28 U.S.C. § 2254 (ECF Doc. No. 1), as supplemented by his court-appointed counsel upon leave (ECF Doc. No. 20), the Commonwealth's Responses (ECF Doc. Nos. 11, 23), after evaluating witness credibility and evidence adduced at our noticed hearing presented by experienced *habeas* counsel, and for reasons in the accompanying memorandum, it is

ORDERED:

1. Mr. Rapley's Petition for *habeas* relief as supplemented with a counseled memorandum (ECF Doc. Nos. 1, 20) is **DENIED**;
2. We decline to issue a certificate of appealability as Mr. Rapley has neither shown denial of a federal constitutional right, nor has he established reasonable jurists would disagree with our findings based on his procedural defaults arising, from other things, application of well-settled evidentiary and hearsay principles in the Pennsylvania courts requiring we find no probable cause to issue a certificate of appealability; and,
3. The Clerk of Court shall **close** this case.



KEARNEY, J.